

**BEFORE THE
FEDERAL ELECTION COMMISSION**

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Brad Woodhouse
American Democracy Legal Fund
455 Massachusetts Avenue, NW
Washington, DC 20001

OFFICE OF GENERAL
COUNSEL

Complainant,

v.

Mr. Donald Trump
725 Fifth Avenue
New York, New York 10022

Donald J. Trump for President, Inc., and Timothy Jost, Treasurer
725 Fifth Avenue
New York, New York 10022

Respondents.

COMPLAINT

This complaint is filed under 52 U.S.C. § 30109(a)(1) against Mr. Donald Trump, Donald J. Trump for President, Inc., and Timothy Jost, in his official capacity as Treasurer (collectively "Respondents") for violating the Federal Election Campaign Act of 1971, as amended (the "Act") and Federal Election Commission (the "Commission") regulations, as described below. Respondents continue to violate 52 U.S.C. § 30114(a)(1) by consistently using Mr. Trump's presidential campaign to further his own business and personal interests. The Commission should immediately investigate and take appropriate remedial action against Respondents for these clear violations of law.

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FACTS

Mr. Trump is the current Republican nominee for President.¹ His principal campaign committee is Donald J. Trump for President, Inc..² Mr. Trump is also the chairman and president of the Trump Organization,³ a privately owned international company that is engaged in real estate development, brand licensing, and entertainment.⁴ In the past, Mr. Trump has stated that, “[i]t’s very possible that I could be the first presidential candidate to run and make money on it.”⁵ Publicly available reports show that he is using his best efforts to make this a reality. Mr. Trump has already used at least 10 of his properties as backdrops for his campaign events.⁶ Even Mr. Trump’s defense of his use of his properties for campaign events is purely promotional: “I have the best properties. Why should I use someone else’s properties.”⁷

Despite numerous complaints filed with the Commission regarding Mr. Trump’s impermissible use of campaign funds to support his personal business, Mr. Trump continues to use campaign press conferences and events to promote his own properties.⁸ Mr. Trump has repeatedly and unabashedly violated the Act and its regulations by continuing to promote his own business interests with resources and funds from his presidential campaign.

¹ FEC Statement of Candidacy (filed Jun. 22, 2015).

² FEC Statement of Organization (filed Jun. 29, 2015).

³ *Donald J. Trump Biography*, Trump.com, <http://www.trump.com/biography/> (last visited Sep. 12, 2016).

⁴ *Company Overview of the Trump Organization LLC*, Bloomberg, <http://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=344985> (last visited Sep. 12, 2016).

⁵ Jerry Useem & Theodore Spencer, *What Does Donald Trump Really Want?*, *Fortune* (Apr. 3, 2000), http://archive.fortune.com/magazines/fortune/fortune_archive/2000/04/03/277110/index.htm.

⁶ Sara Murray, *Donald Trump Sells Candidacy, Golf Courses*, CNN (Jun. 25, 2016), <http://www.cnn.com/2016/06/25/politics/donald-trump-campaign-properties/>.

⁷ *Id.*

⁸ Libby Nelson, *Donald Trump’s Birther Speech Is a Commercial for his New Hotel*, *Vox* (Sept. 16, 2016), available at <http://www.vox.com/2016/9/16/12940964/donald-trump-speech-trump-hotel>.

Trump managed to turn the campaign event "into an advertisement for his new hotel."¹⁸

Essentially, Mr. Trump baited "the entire media into attending the opening of his new Trump International Hotel in Washington, D.C. by promising to finally address [a] controversy swirling around his [presidential] campaign."¹⁹ In doing so, Mr. Trump "used the opportunity to turn the event into a national infomercial for his latest real-estate project."²⁰

LEGAL DISCUSSION

Under the Act and Commission regulations, campaign contributions may only be used "in connection with the campaign for Federal office."²¹ The Act prohibits any campaign contribution or donation from being "converted by any person to personal use."²² The Act's regulations define "personal use" as "any use of funds in a campaign account of a present . . . candidate to fulfill a commitment, obligation, or expense of any person that would exist irrespective of the candidate's campaign."²³ The Commission has determined that marketing commercial items, such as a candidate's book for example, is an expense that would exist irrespective of the candidate's campaign and thus, the use of a principal campaign committee's assets to promote such an item does constitute personal use in violation of the Act.²⁴ A candidate may market a product using campaign committee assets only if the amount of promotion and the cost to the committee is *de minimis*.²⁵

Mr. Trump's latest event has flown in the face of this very clear rule prohibiting the use of campaign assets for personal use. As documented above, on September 16, 2016, Mr. Trump

¹⁸ Nelson, *supra* note 8.

¹⁹ Tina Nguyen, *Donald Trump Trolls the Media, Turns Phony 'Birther' Press Conference into Hotel Infomercial*, Vanity Fair (Sept. 16, 2016), available at <http://www.vanityfair.com/news/2016/09/donald-trump-birther-obama-press-conference>.

²⁰ *Id.*

²¹ 52 U.S.C. § 30114(a)(1).

²² *Id.* § 30114(b)(1); 11 C.F.R. § 113.2(a).

²³ 11 C.F.R. § 113.1(g).

²⁴ See FEC, Adv. Op. 2011-02 (Brown), at 6 (Feb. 17, 2011).

²⁵ See *id.* at 7.

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used a campaign press conference and event to promote the opening of Trump International Hotel in Washington, D.C.²⁶ This was billed as a campaign event and Mr. Trump spoke behind a podium featuring his campaign's logo. Yet, Mr. Trump began the campaign event by calling attention to the "nice hotel," eventually calling it one of the best hotels in the world.²⁷ He then asked "photographers and video cameras to accompany him on a tour of his newly-opened Trump International Hotel."²⁸ Mr. Trump used the campaign event to advertise his newly opened hotel.

Obviously, the expenses associated with promoting and marketing Mr. Trump's properties would exist irrespective of his presidential campaign. As a result, Mr. Trump is prohibited from promoting his business by using campaign resources. However, Mr. Trump brazenly used his campaign to promote and market his business interests, this time, inviting photographers and videographers to record a tour of his newest hotel by claiming he was holding a campaign event. Any campaign resources used and spent on the event were clearly personal use in blatant disregard of the law. And, as evidenced by the numerous complaints filed by this organization against Mr. Trump regarding personal use of campaign resources, this violation is clearly knowing and willful. Because the purpose of Mr. Trump's campaign "press conference" was not actually to further Mr. Trump's presidential campaign, but instead to promote his newest hotel, Mr. Trump has clearly violated the law.

REQUESTED ACTION

As we have shown, Respondents have violated the Act and Commission regulations by using the campaign to further Mr. Trump's business and personal interests. As such, we respectfully request that the Commission immediately investigate these violations and that

²⁶ Nelson, *supra* note 8.

²⁷ *Id.*

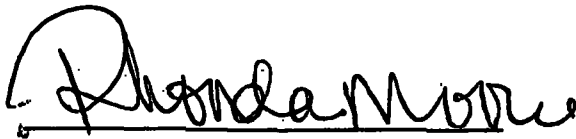
²⁸ Kirkland, *supra* note 15.

Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,



SUBSCRIBED AND SWORN to before me this 19th day of September, 2016.



Notary Public

My Commission Expires:

4-14-2021

